

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #12	CCRB Case #: 201806149	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/28/2018 , Sunday, 07/29/2018 5:00 PM	Location of Incident: Jerome Avenue and Macombs Dam Bridge	Precinct: 44	18 Mo. SOL 1/29/2020	EO SOL 1/29/2020	
Date/Time CV Reported Sun, 07/29/2018 6:49 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 07/29/2018 6:49 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Manuel Bordoy	00323	948686	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Bryan Wilson	10392	942712	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Manuel Bordoy	Discourtesy: Police Officer Manuel Bordoy spoke discourteously to § 87(2)(b)	
B.POM Manuel Bordoy	Off. Language: Police Officer Manuel Bordoy made remarks to § 87(2)(b) based upon race.	
C.POM Manuel Bordoy	Discourtesy: Police Officer Manuel Bordoy acted discourteously toward § 87(2)(b)	

Case Summary

On July 29, 2018, § 87(2)(b) filed this complaint with the CCRB via the call processing system. On the same date, § 87(2)(b) filed a complaint with IAB under original log #18-29576, which was received by the CCRB on August 10, 2018.

On July 29, 2018, at approximately 5:00 p.m., in the vicinity of Jerome Avenue and Macombs Dam Bridge in the Bronx, § 87(2)(b) as pulled over and issued a summons by Police Officer Manuel Bordoy and Police Officer Bryan Wilson of Strategic Response Group 2. PO Bordoy allegedly spoke discourteously to § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g)). PO Bordoy allegedly told § 87(2)(b) to “go back where he came from” (**Allegation B: Offensive Language**, § 87(2)(g)). PO Bordoy allegedly acted discourteously towards § 87(2)(b) (**Allegation C: Discourtesy**, § 87(2)(g)).

This case does not contain video evidence.

This case was concurrently investigated by Lieutenant Thomas McCarthy of Special Operations Investigations Division under case #M-2018-2155. § 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Manuel Bordoy spoke discourteously toward

§ 87(2)(b)

Allegation (B) Offensive Language: Police Officer Manuel Bordoy made remarks to § 87(2)(b) based upon race.

Allegation (C) Discourtesy: Police Officer Manuel Bordoy acted discourteously to § 87(2)(b)

§ 87(2)(b) who works as a driver for the § 87(2)(g), provided a sworn statement to the CCRB in Spanish on August 21, 2018 (Board Review 01). § 87(2)(b) stated that at approximately 5:00 p.m. on July 29, 2018, he was waiting to pick up a passenger at Jerome Avenue and Macombs Dam Bridge in the Bronx, which is adjacent to Yankee Stadium. § 87(2)(b) observed a marked police vehicle pull up next to his vehicle. PO Bordoy and PO Wilson exited and approached § 87(2)(b)'s driver side and front passenger side, respectively. PO Bordoy immediately stated, “Fuck you. Move your fucking car. Get out of here.” § 87(2)(b) moved his vehicle a short distance before PO Bordoy instructed him to stop. PO Bordoy again approached § 87(2)(b) and asked for his license, at which time § 87(2)(b) provided PO Bordoy with his license, registration, TLC license and a Patrolmen’s Benevolent Association card. PO Bordoy threw the insurance card and PBA card at § 87(2)(b) while stating, “I don’t need this shit.” § 87(2)(b) was ultimately issued a summons for obstructing vehicular traffic.

§ 87(2)(b)'s initial CCRB complaint did not contain any of the above allegations; however, § 87(2)(b) alleged that PO Bordoy “was unprofessional and used offensive language.” In his complaint to IAB, § 87(2)(b) only stated that PO Bordoy threw his insurance card at him, but additionally alleged that PO Bordoy stated, “Bastard, move out of the way. Go back where you came from” (Board Review 02). During a follow-up call to § 87(2)(b) on September 14, 2018, § 87(2)(b) stated that he believed that this comment was a reference to him being Hispanic, but

that PO Bordoy did not otherwise mention § 87(2)(b)'s nationality during the interaction (Board Review 03).

On August 5, 2018, § 87(2)(b) was interviewed in Spanish by Sgt. Edwin Perez of Special Operations Investigations Division (Board Review 04). § 87(2)(b) alleged during this interview that PO Bordoy threw his PBA card at him and stated, "I didn't ask for this." § 87(2)(b) alleged that PO Bordoy was "very rude" during the interaction, but according to the IAB case file, § 87(2)(b) was "unable to explain" how PO Bordoy was rude. § 87(2)(b) also alleged during this interview that he was stopped because he was Hispanic, but was again "unable to state a reason" for why he believed this, according to the investigative case file. § 87(2)(b) stated during this interview that he was conversing with PO Bordoy in English during the interaction.

During his CCRB interview on October 2, 2018, PO Bordoy stated that at approximately 5:00 p.m., he was driving with PO Wilson south on Jerome Avenue when he observed § 87(2)(b)'s vehicle, which was double-parked and impeding the flow of traffic (Board Review 05). PO Bordoy instructed § 87(2)(b) to move his vehicle multiple times, which § 87(2)(b) refused to do. PO Bordoy then initiated a vehicle stop and issued a summons to § 87(2)(b). § 87(2)(b) was initially cooperative during the interaction, but became upset when PO Bordoy refused to accept his PBA card, ultimately telling PO Bordoy that he would "kick his ass" in court. PO Bordoy denied telling § 87(2)(b) "Fuck you, move your fucking car," or "I don't need that shit," denied throwing a PBA card at § 87(2)(b) and denied telling § 87(2)(b) to go back where he was from. When asked if he used profanity with § 87(2)(b) PO Bordoy stated, "No, I don't think so." PO Bordoy stated that he and § 87(2)(b) conversed in English during the interaction.

PO Wilson's statement, which was also provided on October 2, 2018, was generally consistent with that of PO Bordoy (Board Review 06). PO Wilson stated that he could not hear most of the conversation between PO Bordoy and § 87(2)(b) due to his position at the passenger side of § 87(2)(b)'s vehicle, as well as background noise generated by traffic and individuals in the area. PO Wilson denied hearing any profanity during the interaction, with the exception of what sounded like § 87(2)(b) telling PO Bordoy that he would "kiss [PO Bordoy's] ass" near the end of the interaction. PO Wilson stated that PO Bordoy never threw a PBA card or anything else at § 87(2)(b) and that PO Bordoy never made any comments about § 87(2)(b)'s ethnicity or told him to go back where he was from.

PO Bordoy and PO Wilson provided statements to Special Operations Investigations Division which were consistent with their CCRB statements (Board Review 04).

The investigation was unable to locate independent witness testimony pertaining to this incident.

The investigation did not obtain video evidence pertaining to this incident. The IAB investigative file indicates that video evidence was obtained and reviewed by Lt. McCarthy (Board Review 04). According to the investigative file, the footage has no audio and contains no indication that anything was thrown at § 87(2)(b). No members of Strategic Response Group 2 were equipped with body-worn cameras on the date of incident.

Patrol Guide Procedure 203-09 mandates that officers be courteous and respectful with members of the public (Board Review 07).

Patrol Guide Procedure 203-10 prohibits officers from issuing discourteous or disrespectful remarks regarding another person's race or ethnicity (Board Review 08).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 09).
- In his eight years as a member of the NYPD, PO Bordoy has been the subject of two allegations in one prior case, none of which were substantiated on § 87(2)(g).

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation (Board Review 01).
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A Freedom of Information Law request filed with the New York City Comptroller's Office indicates that as of March 15, 2019, § 87(2)(b) had not filed a Notice of Claim regarding this incident (Board Review 11).

Squad No.: _____

Investigator: _____
Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____
Signature _____ Print Title & Name _____ Date _____

Reviewer: _____
Signature _____ Print Title & Name _____ Date _____

